

FILED BY *JE* D.C.
05 MAY 16 PM 3:27

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROBERT R. DI TROLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

JAMES PLAIN,

Plaintiff,

v.

No. 05-2075-DV

METROPOLITAN LIFE INSURANCE
COMPANY METLIFE DISABILITY,

Defendant.

SCHEDULING ORDER

In accordance with the Rule 26(f) Report of Parties' Planning Meeting, the following deadlines are established in this case:

1. This Court has subject matter jurisdiction of this civil action pursuant to the civil enforcement provisions of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132(e)(1).

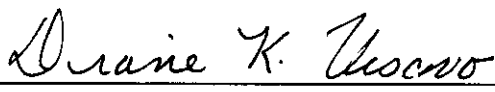
2. Plaintiff, an employee of Cingular Wireless, was a participant in the Cingular Wireless Disability Program for Bargained Employees (the "Plan"). Plaintiff brings an ERISA action against Defendant, claiming wrongful denial of his claim for disability benefits and seeking an award of disability benefits, attorney's fees, interest, and court costs.

3. Civil actions for plan benefits under ERISA are resolved upon the parties' motions for judgment based upon the administrative record, and no trial is held. *Wilkins v. Baptist Healthcare Sys.*, 150 F.3d 609 (6th Cir. 1998).

8

4. The parties are exempted from the initial disclosure requirements of Fed.R.Civ.P. 26.
5. MetLife shall file and serve the administrative record by June 17, 2005.
6. The parties shall each file motions for judgment on the administrative record by August 19, 2005. The parties' response briefs shall be due by September 16, 2005.
7. The Court shall decide the case upon the parties' motions for judgment upon the record. No trial shall be held.
8. The parties have not consented to the magistrate judge handling all further proceedings in the case in accordance with 29 U.S.C. §636(c).
9. This order has been entered after consultation with counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or amended.

IT IS SO ORDERED.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

DATE: May 16, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02075 was distributed by fax, mail, or direct printing on May 17, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT